

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION**

BABY DOE, *et al.*,

Plaintiffs,

-v.-

JOSHUA MAST, *et al.*,

Defendants.

CIVIL NO: 3:22-cv-00049-NKM-JCH

**PLAINTIFFS' MOTION TO SEAL EXHIBITS 3, 5, 9, 10, 11, AND 12 TO PLAINTIFFS'**  
**MEMORANDUM: (A) IN OPPOSITION TO MOTIONS TO QUASH AND FOR**  
**PROTECTIVE ORDER, AND (B) IN SUPPORT OF CROSS MOTION TO COMPEL**

Plaintiffs, by counsel, respectfully move for leave to file under seal Exhibits 3, 5, 9, 10, 11, and 12 of their Memorandum: (A) In Opposition to Motions to Quash and For Protective Order, and (b) In Support of Cross Motion to Compel ("Memorandum"), pursuant to Local Civil Rule 9 and this Court's Protective Order (ECF No. 26). In support thereof, Plaintiffs state as follows:

Each of the above-noted exhibits refers to Baby Doe by her given name or the name given to her by Defendants Joshua and Stephanie Mast, refers to Plaintiffs John and Jane Doe by their given names, and/or contains other identifying information regarding Plaintiffs. This Court has issued a Protective Order (ECF No. 26) allowing Plaintiffs, including Baby Doe, to proceed under pseudonyms, given the concern for their safety and that of other innocent non-parties, such as their family members.

Under the common law right of access to judicial records, documents should be sealed when a party's interest in keeping the information contained therein confidential outweighs the presumed right of public access. *See, e.g. Stone v. Univ. of Maryland Med. Sys. Corp.*, 855 F.2d 178 (4th Cir. 1988); *Ashcroft v. Conoco, Inc.*, 218 F.3d 288, 302 (4th Cir. 2000). "Courts have

recognized that an interest in protecting the physical and psychological well-being of individuals related to the litigation, including family members and particularly minors, may justify restricting access” to court documents. *United States v. Harris*, 890 F.3d 480, 492 (4th Cir. 2018); *see also United States v. Doe*, 962 F.3d 139, 147 (4th Cir. 2020). In this instance, the threats to the safety of the Plaintiffs and other innocent non-parties are very real, and have been recognized by this Court’s Protective Order (ECF No. 26).

Publicly available versions of Exhibits 3 and 5 have been filed with identifying information redacted. Publicly available version of Exhibits 9, 10, 11, and 12 have not been filed because they contain identifying information throughout, but they are addressed in the Memorandum. Thus, the public is not wholly deprived of an understanding of the general underlying factual basis for the request. The relief Plaintiffs seek in this motion is narrowly tailored to the circumstances, and aims to seal only what is absolutely necessary to safeguard the safety of persons related to the litigation. Defendants are not prejudiced as they are aware of Plaintiffs’ identities.

Accordingly, Plaintiffs request that Exhibits 3, 5, 9, 10, 11, and 12 of their Memorandum be filed under seal, as the risks attendant to public disclosure of these documents is not likely to dissipate over time. A proposed Order is attached as Exhibit A to this Motion.

Dated: March 11, 2024

Respectfully submitted,

/s/ Maya Eckstein

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 11th day of March 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing to all CM/ECF participants.

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